

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2016

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THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.21869 and 21870 of 2016

N.Subramani .. Petitioner in W.P.No.21869/2016

S.Rajendran .. Petitioner in W.P.No.21870/2016

Vs.

- 1.The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy,
Villupuram-605 602.
 - 2.The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Cuddalore Region
Cuddalore - 607 001.
 - 3.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.
- .. Respondents in both W.Ps.

Prayer in W.P.No.21869 of 2016: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, Leave Surrender (Earned Leave), wages settlement arrears and pension arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, direct the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement, i.e.30.06.2015 to till date of actual payment to the petitioner within the stipulated time.

Prayer in W.P.No.21870 of 2016: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ

of Mandamus, to direct the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, Leave Surrender (Earned Leave), wages settlement arrears and pension arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, direct the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement, i.e. 31.08.2015 to till date of actual payment to the petitioner within the stipulated time.

For Petitioner in both
W.P.s

: Mr.T.Pappaiah Dharmarajan

For Respondents in
both W.Ps.

: Mr.S.Sairaman
Standing Counsel
for Transport Corporation

COMMON ORDER

By consent, these Writ Petitions are taken up and disposed of at the stage of admission itself.

2. The petitioners joined the service of the Transport Corporation and they retired from service on 30.06.2015 and 31.08.2015 respectively. On the date of retirement, they were paid certain amount towards Provident Fund. But, other retirement terminal benefits, like Gratuity, Commutation, Leave Surrender (Earned Leave), Settlement Arrears and pension arrears were not paid to them. In this regard, they made representations to the respondents on 04.10.2015. The grievance of the petitioners is that though they made representations to the respondents, till date, there was no response. Aggrieved against the same, these Writ Petitions have been filed.

3. The learned counsel appearing for the petitioners, brought to the notice of this Court the common judgment, dated 12.06.2015, passed by the Madurai Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015, wherein under similar circumstances, the Transport Corporation undertook to pay the amount due and payable to the petitioners therein in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several Writ Petitions. Accordingly, he would pray that a similar order may be passed in these Writ Petitions also.

4. The learned Standing Counsel, who took notice on behalf of the respondents, would affirm that the issue involved in these Writ Petitions is squarely covered by the judgment passed by the Madurai Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015, dated

12.06.2015 and the relevant portion of the said judgment reads as follows:-

"2. The said statement is thus taken on records and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Hon'ble Supreme Court in D.D.Tewari (D)through LRS. Vs. Uttar Haryana Bijli Vitran Nigam Ltd and Others (2014 (9) SCALE -78), wherein it is held that in case of any delay in making the payment of the instalments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month."

5. Considering the fact that the issue involved in these Writ Petitions is squarely covered by the orders passed by this Court in similar circumstances, without going into the merits of the matter, the first and second respondents are directed to disburse the aforementioned retiral benefits to the petitioners in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.09.2016.

6. With the above direction, these Writ Petitions are disposed of. No costs.

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Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy,
Villupuram-605 602.

2.The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
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Cuddalore - 607 001.

3.The Administrator
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Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
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Chennai-600 002.

+2 CC Mr.T.Pappaiah Dharmarajan Advocate SR.No.35859

+1 CC Mr.S.Sairaman Advocate SR.No.35776

W.P.Nos.21869 and 21870 of 2016

GJ-II [CO]
MSI 05/08/2016



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